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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,501	10/16/2000	Shridhar P. Joshi	47079-00077	3225
30223	7590	06/05/2003		
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			EXAMINER	
			RADA, ALEX P	
		ART UNIT	PAPER NUMBER	
		3714		
DATE MAILED: 06/05/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/688,501	JOSHI, SHRIDHAR P.
	<b>Examiner</b>	<b>Art Unit</b>
	Alex P. Rada	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 March 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 37-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 37-62 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed March 17, 2003 in which the applicant provides corrections to the disclosure, cancels claims 1-21 and 35-36, claims 22-34 withdrawn, adds new claims 37-62, and claims 37-62 are pending in this office action.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Roseman '984.

3. Roseman discloses accessing via a remote terminal on a global computer network (internet) connected to the remote terminal, providing personal identification information to the

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gaming site, selecting a game of chance for remote play, placing a wager for playing the selected game, and receiving randomly-generated text or graphical outcome data at the remote terminal for the selected game and the outcome data being relayed to the gaming site as recited in claims 37 and 38.

4. Claims 39-46, 48, 50-56, 58-60, and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiltshire '602.

5. Wiltshire discloses a communication link between the remote terminal and a gaming site on a global computer network (internet), the gaming site in communication with a gaming server for outcome data from gaming machines located at a gaming establishment, selecting a gaming machine, making a wager to play the selected gaming machine, receiving outcome data including game outcome at the remote terminal resulting from play of the gaming machine, generating a payout, a microprocessor, and the memory connected to the microprocessor as recited in claims 39, 52, and 62; the outcome data having information identifying the value of the payout and simulate a display of the game outcome at the remote location as recited in claims 40 and 59; the outcome data to simulate a display of the game outcome on the remote terminal as recited in claim 41; the selected gaming machine is a slot machine wherein the outcome data includes reel position as recited in claims 42, 48, 53, and 60; the selected gaming machine is a video poker machine including a display for displaying a poker hand as recited in claims 43 and 58; the receiving outcome data includes receiving outcome data from a plurality of gaming machine form remote play as recited in claim 43; the outcome data includes receiving outcome data from a plurality of gaming machines for remote play as recited in claim 44; the outcome data includes a gaming machine identifier and gaming machine type as recited in claim 45-46 and 55-56; the

game outcome results from the server initiating game play on the selected gaming machine as recited in claim 50; the outcome results from the manual game play on the selected gaming machine as recited in claim 51; receiving information includes receiving information selecting at least two plurality of local gaming machines for remote play as recited in claim 54 (see whole document).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 47, 49, 57, and 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire '602 in view of Walker '437.

8. Wiltshire discloses the claimed invention as discussed above except for the outcome data including receiving player preferences as recited in claims 47 and 57; a player identifier and transmitting the player identifier for identification of the player as recited in claims 49 and 61.

Walker teaches player preference data. By having player preferences and player identifiers, one of ordinary skill in the art would determine which game player is playing a particular gaming machine. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Wiltshire to include outcome data including receiving player preferences as taught by Walker '437. To do so would distinguish and determine which game player is playing a particular gaming machine.

***Response to Arguments***

9. Applicant's arguments with respect to claims 39-62 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spaur '920, Xidos '149, and Karmarkar '709 all disclose different types of Internet gaming.



S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

*APR*  
apr  
May 28, 2003